

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48693 of 2014

Arising Out of PS.Case No. -28 Year- 2013 Thana -SC/ST BAGHA District-
WESTCHAMPARAN(BETTIAH)

1. Md. Sabir Hussain @ Sabir Mian
2. Md. Zabir Hussain @ Zabir Mian, both sons of Aznul Haque, resident
of Laxmipur, P.S. Raxaul, District - East Champaran

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Tondon, Advocate

For the Opposite Party/s : Mr. Ambika Bhagat, Spl. P.P.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 14-01-2015

Heard.

The petitioners had earlier moved this Court for grant of anticipatory bail with respect to a criminal prosecution registered under Sections 323, 341, 379 and 504/34 of the Indian Penal Code as also under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred to as "The Act"). The aforesaid prayer for grant of anticipatory bail was rejected by this Bench by order dated 19.04.2014 passed in Cr.Misc.No. 10378 of 2014 (Annexure-1) by holding therein that in view of the nature of allegations as disclosed in the FIR a case under Section 3 (i)(x) of the Act is made out against the petitioners, therefore, in view of bar created under Section 18 of the said Act, the petition for anticipatory bail was not maintainable.

By the aforesaid order dated 19.04.2014, the petitioners were directed to surrender in the court below within a period of four weeks in connection with Bagaha SC/ST P.S.Case

No. 28 of 2013 pending in the court of learned Additional Chief Judicial Magistrate, Bagaha, West Champaran and, if so advised, may seek regular bail. Despite aforesaid order/direction dated 19.04.2014, the petitioners have not surrendered in the court below till date and are still absconding. Hence, the criminal trial pending against them has unnecessarily been delayed. Instead of complying the aforesaid order dated 19.04.2014, the petitioners have filed this fresh application under Section 438 of the Code of Criminal Procedure, 1973 for grant of same relief on same set of facts.

In the aforesaid facts and circumstances and for the reasons recorded in the order dated 19.04.2014 passed in Cr.Misc.No. 10378 of 2014, the prayer for anticipatory bail of the petitioners cannot be entertained and is again accordingly rejected.

(Birendra Prasad Verma, J)

Tahir/-

U		T	
---	--	---	--